

09/484,861

PATENT APPLICATION

REMARKS

- Claims 1, 3, 5-7, 10-22, 26, 28, and 33 were pending. Claims 1, 3, 5-7, 10-22, 26, 28, and 33 were finally rejected over new grounds of rejection. The sole independent claim 1 is 5 amended herein to explicitly define claim terms. No claim is newly added. No new matter is introduced. Support for the amendments proposed herein can be found in the specification as originally filed, particularly on page 11, line 25, through page 14, line 14, and Figures 4, 6, and 7.
- 10 The Examiner finally rejected all pending claims as being unpatentable over previously cited Johnson et al. (U.S. Pat. No. 6,067,525, hereinafter Johnson) in view of Cannon (U.S. Pat. No. 6,286,005) under 35 USC § 103(a).

Inventors Jeffrey Kohl Wilkins and Jack Marshall Zoken diligently prepared and duly 15 submitted evidence and declared under 37 CFR 1.131 that **the present invention was conceived and reduced to practice prior to the effective filing date of Cannon**. The Declaration was entered per the Request for Continued Examination (RCE) filed on February 25, 2003. Therefore, rejections based on Cannon are submitted to be improper, leaving 20 **Johnson being the only applicable reference**. The present application as claimed in claims 1, 3, 5-7, 10-22, 26, 28, and 33 is patently distinct from and *prima facie* unobvious over Johnson and therefore should be allowed.

All of the reasons why Johnson and Cannon, and other cited references, individually and/or in combination, fail to teach or suggest the claimed invention have been thoroughly discussed

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with detailed examples in the previous Replies A-D, which are all hereby incorporated by reference.

**The purpose of this Request is not to reiterate arguments but to propose amendments to  
5 claim 1 to explicitly further define claim terms, that are not taught or suggested in the  
closest prior art of record, in accordance with the teaching of the invention, thereby  
placing the present application in a condition for allowance.**

10 The applicant who is seeking to define his or her invention in claims that will give him or her the patent protection to which he or she is justly entitled should receive the cooperation of the examiner to that end, and not be prematurely cut off in the prosecution of his or her application (MPEP 706.07).

15 To expedite the prosecution and place the present application in a condition for allowance,  
the undersigned would like to propose amending claim 1 to make certain **implicit claim  
language explicit without raising new issues or changing the direction of the claims.**

More specifically, in the proposed claim 1

- the claim term "sources" are amended as "web page sources" defined in a sources configuration file [Spec. page 12, lines 8-9, and 30], thereby distinguishing Johnson's "remote sites" [Johnson col. 11, lines 3-9];
- the claim term "an automated spider" is amended to make its location explicit, i.e., on a server computer [Spec. page 11, lines 25-28], thereby distinguishing Johnson's "lead generation component" that includes a number of modules that may be installed at various sites for the purpose of providing "site specific" sale information [Johnson col. 11, lines 3-9];

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- the claim term "an automated spider" is amended to make its capabilities explicit [Spec. page 11, line 25, through page 12, line 4], thereby distinguishing Johnson's "modules" (Web site module 304) that facilitate the connection to the Internet Web sites [Johnson col. 10, line 55, through col. 11, line 9; Figure 3]; and
- 5 - the step of obtaining purchase indicators from the web page sources (step c)) is further clarified per Figures 4, 6, and 7, thereby categorically distinguishing how Johnson's "lead information" is obtained [Johnson, Figures 1-3].

For the purpose of appeal, the Applicants hereby maintain, as submitted in the previous  
10 Reply, Johnson does not teach or suggest, *inter alia*, "a distributed computer system," "a predictive model," "data enhancement information," "auxiliary data," "an automated spider," "intenders," etc., as explicitly taught and claimed in the present application.

In addition, the Applicants submit that the modules 302-308 of Johnson's highly integrated  
15 lead generation component 102 do not whatsoever represent an automated spider as taught and claimed in the present application and that John's forecasting module 710, citing col. 21, lines 30-39, do not whatsoever read on the predictive model as taught and claimed in the present application. Relevant arguments have been particularly submitted in the previous Reply D and the Examiner did not dispute.

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What is more, even assuming Cannon is a viable prior art reference, Cannon's teaching with regards to "retrieving information from an auxiliary storage" is irrelevant to "extracting auxiliary data from purchase indicators" because it does not come within the context of the

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present application. Simply put, Cannon does not fulfill the many deficiencies of Johnson particularly pointed out by the Examiner.

The Applicants note that the Examiner did not rebut or explicitly address all arguments  
5 presented in the previous Reply, which are still relevant to Johnson (prior to making the Office action final, the examiner "must ... address any arguments presented by the applicant which are still relevant to any references being applied." MPEP 707.07).

The Applicants nonetheless welcome the chance of finalizing the prosecution and forward  
10 the application to allowance. The amendments proposed herein encompass a bona fide attempt to accelerate prosecution and place the present application in a condition for allowance. For the Examiner's further consideration, the inventor's comment is attached to this Request as Appendix A. To resolve any remaining issues, granting of the telephonic interview is respectfully requested and much appreciated. The undersigned can be reached  
15 directly at 650-331-8413, PST 10AM-7PM PST, Monday-Friday.

Respectfully submitted,



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